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SUBJECT: FOOD FIGHT IN NATIONAL ASSEMBLY OVER BIOTECH BILL

REFS: (A) 2007 PARIS 4364; (B) PARIS 78; (C) PARIS 614

¶1. (SBU) Summary: On April 9 the National Assembly adopted a new biotech bill by a vote of 249 to 228 (the narrowest margin since President Sarkozy took office) after 36 hours of tense debate. The bill, which will now go to the Senate for a second reading, establishes a framework for biotech approval and cultivation in France and completes transposition of EU biotech legislation. The draft law provides for a new high authority for biotech approval, with both scientific and social-economic review panels, and stiffens penalties for crop destruction.

¶2. (SBU) The rancorous debate in parliament clearly shows the government has lost control of the issue, including within its own party. Prospects for the future of commercial biotech cultivation in France are uncertain at best. Despite passage of the biotech bill, the 2008 corn planting season is lost and there is little prospect of biotech cultivation before 2009 or ¶2010. The French government knows the EU faces retaliation at the WTO for the slow pace of biotech approvals and illegal Member State bans. Apparently, the French government understands this is the price it may have to pay for maintaining its moratorium on biotech cultivation. End Summary.

The Debate  
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¶3. (SBU) A low point was reached when Junior Ecology Minister Nathalie Kosciusko-Morizet was forced by PM Fillon to apologize for calling the debate a competition of cowards.¶ Kosciusko-Morizet's remarks were aimed at Jean-Francois Cope, the majority leader in the National Assembly, whom she accused of trying to mask differences within the ruling UMP party, and Jean-Louis Borloo, Minister of the Environment, whom she chastised for being content with achieving ¶the minimum in the new law. The Senate will now review the National Assembly text April 16-18 (it completed its first review in February). The government is using emergency powers to accelerate the normal timetable for consideration of the legislation. Following the Senate¶s review, the bill will have a second reading in the National Assembly in May

before  
going to reconciliation and entering into law, most probably  
before France assumes the EU Presidency on July 1.

14. (SBU) The legislation was opposed by almost all members of the Socialist and Green parties. From the governing UMP party, 10 representatives voted against the bill and 31 abstained, including Kosciusko-Morizet. The UMP's failure to impose party discipline reflects both general popular opposition to GMOs in France, and a split in government exacerbated by equivocation on the issue at the Elysee.

#### The Law -----

15. (U) The proposed bill transposes EU Directive 2001/18 on the release of GMOs into the environment. France is the last member state to complete this process and must do so in order to avoid costly fines. The bill is also an outcome of the Grenelle meeting on the Environment (REF A), wherein the French government offered environmentalists a QfreezeQ on cultivation of MON810 (REF B) pending the development of French biotech legislation, and a requirement for reauthorization of MON810 at the EU level.

16. (U) The legislation is designed to address the core issue of consumer concerns about the environmental safety of biotech cultivation. It creates a biotech approval authority, called the QHigh Committee on Biotechnologies,Q comprised of a scientific committee and an economic, ethical and social committee. The President of the High Authority will forward his recommendation on cultivation, based

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on input from both committees, to the government. It is unclear how the President of the new High Authority will reconcile likely differing opinions and how much weight will be given to the non-scientific recommendation in the government's decision-making.

17. (U) The bill also requires coexistence measures to protect biodiversity. It mandates transparency through public disclosure of farmers' biotech fields at the plot level and imposes fines of 75,000-150,000 Euros and up to three years in prison for biotech crop destruction. Other key decisions, such as cropping distance, will not be mandated legislatively but determined by the relevant government ministries.

#### The Reality -----

18. (SBU) French farmers affected by the biotech ban, who should be the most vocal supporters of the technology in France, have yet to roll their tractors into Paris in protest (although the Corn Growers' Union is suing the French government for economic damage). It appears that Agricultural Minister Michel Barnier is keeping the farmers in check, in part by indicating the government will take care of the farm sector in the Common Agricultural Policy review which begins in 2009.

19. (U) Passage of the biotech bill, however, rankled anti-biotech and environmental advocates. They had hoped the government's freeze on biotech corn cultivation in December, 2007 (following the Grenelle consultation process) would be a first step toward a ban of all biotech crops and perhaps biotech imports, in France. In preparation for the debate in Parliament anti-biotech activists had organized a screening at the National Assembly of the film QThe World According to Monsanto,Q a disparaging portrait of Monsanto and the U.S. government's alleged complicity with the private sector on agricultural

bio-tech (REF C). Senator Jean Bizet, a biotech supporter and sponsor of the Senate biotech bill, commented in Le Figaro following passage of the bill that he had been the object of intimidation and "intellectual terrorism" by anti-biotech groups during the debate.

#### The Cost of Doing (No) Business

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¶10. (SBU) French government representatives tell us they understand the importance of increasing domestic agricultural production through technology. However, they are equally adamant that ag biotech continues to be hugely unpopular in France. They argue that internal discussion and debate, rather than external pressure, is the only way opinions will change. However, they also acknowledge in candid moments that France has to be prepared to pay compensation via the WTO as they recognize the ban on ag biotech approvals is not science-based.

#### Comment

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¶11. (SBU) Despite the latest movement on biotech legislation, we are not optimistic. MON810, the only biotech variety used in France, remains banned. The EU approval of MON810 expires in 2008 and must undergo a new review by the European Food Safety Agency. French authorities are unwilling to consider lifting the moratorium until this process has been completed (likely in 2009). Even if the MON810 review is favorable, cultivation will not take place until 2009 or 2010, under the most favorable circumstances, and probably under strict parameters. Retaliation via the WTO against the EU-wide moratorium may not move the French on ag biotech, but nor will additional lenience. The French expect retaliation and appear resigned to the likelihood they will have to pay for the lack of EU compliance with international obligations. There is nothing to be gained in France from delaying retaliation.

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